

Union Calendar No. 328

108TH CONGRESS
2D SESSION

H. R. 646

[Report No. 108–563]

To expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2003

Mr. WHITFIELD (for himself and Mr. TANNER) introduced the following bill;
which was referred to the Committee on Resources

JUNE 23, 2004

Additional sponsor: Mr. GORDON

JUNE 23, 2004

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 5, 2003]

A BILL

To expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Fort Donelson National*
5 *Battlefield Act of 2004”.*

6 **SEC. 2. FORT DONELSON NATIONAL BATTLEFIELD.**

7 *(a) DESIGNATION; PURPOSE.—There exists as a unit*
8 *of the National Park System the Fort Donelson National*
9 *Battlefield to commemorate—*

10 *(1) the Battle of Fort Donelson in February*
11 *1862; and*

12 *(2) the campaign conducted by General Ulysses*
13 *S. Grant and Admiral Andrew H. Foote that resulted*
14 *in the capture of Fort Donelson by Union forces.*

15 *(b) BOUNDARIES.—The boundary of the Fort Donelson*
16 *Battlefield is revised to include the site of Fort Donelson*
17 *and associated land that has been acquired by the Secretary*
18 *of the Interior for administration by the National Park*
19 *Service, including Fort Donelson National Cemetery, in*
20 *Stewart County, Tennessee, and the site of Fort Heiman*
21 *and associated land in Calloway County, Kentucky, as gen-*
22 *erally depicted on the map entitled “Fort Donelson Na-*
23 *tional Battlefield Boundary Adjustment”, numbered 328/*
24 *80024, and dated September 2003. The map shall be on file*

1 *and available for public inspection in the appropriate of-*
 2 *fices of the National Park Service.*

3 *(c) EXPANSION OF BOUNDARIES.—The Fort Donelson*
 4 *National Battlefield shall also include any land acquired*
 5 *pursuant to section 3.*

6 **SEC. 3. LAND ACQUISITION RELATED TO FORT DONELSON**
 7 **NATIONAL BATTLEFIELD.**

8 *(a) ACQUISITION AUTHORITY.—Subject to subsections*
 9 *(b) and (c), the Secretary of the Interior may acquire land,*
 10 *interests in land, and improvements thereon for inclusion*
 11 *in the Fort Donelson National Battlefield. Such land, inter-*
 12 *ests in land, and improvements may be acquired by the Sec-*
 13 *retary only by purchase from willing sellers with appro-*
 14 *priated or donated funds, by donation, or by exchange with*
 15 *willing owners.*

16 *(b) LAND ELIGIBLE FOR ACQUISITION.—The Secretary*
 17 *of the Interior may acquire land, interests in land, and im-*
 18 *provements thereon under subsection (a)—*

19 *(1) within the boundaries of the Fort Donelson*
 20 *National Battlefield described in section 2(b); and*

21 *(2) outside such boundaries if—*

22 *(A) the land has been identified by the*
 23 *American Battlefield Protection Program as part*
 24 *of the battlefield associated with Fort Donelson;*
 25 *or*

1 (B) the Secretary otherwise determines that
2 acquisition under subsection (a) will protect crit-
3 ical resources associated with the Battle of Fort
4 Donelson in 1862 and the Union campaign that
5 resulted in the capture of Fort Donelson.

6 (c) *BOUNDARY REVISION.*—Upon acquisition of land
7 or interests in land described in subsection (b)(2), the Sec-
8 retary of the Interior shall revise the boundaries of the Fort
9 Donelson National Battlefield to include the acquired prop-
10 erty.

11 (d) *LIMITATION ON TOTAL ACREAGE OF PARK.*—The
12 total area encompassed by the Fort Donelson National Bat-
13 tlefield may not exceed 2,000 acres.

14 **SEC. 4. ADMINISTRATION OF FORT DONELSON NATIONAL**
15 **BATTLEFIELD.**

16 The Secretary of the Interior shall administer the Fort
17 Donelson National Battlefield in accordance with this Act
18 and the laws generally applicable to units of the National
19 Park System, including the Act of August 25, 1916 (com-
20 monly known as the National Park Service Organic Act;
21 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (com-
22 monly known as the Historic Sites, Buildings, and Antiq-
23 uities Act; 16 U.S.C. 461 et seq.).

1 **SEC. 5. RELATION TO LAND BETWEEN THE LAKES NA-**
 2 **TIONAL RECREATION AREA.**

3 *The Secretary of Agriculture and the Secretary of the*
 4 *Interior shall enter into a memorandum of understanding*
 5 *to facilitate cooperative protection and interpretation of the*
 6 *remaining vestiges of Fort Henry and other existing Civil*
 7 *War resources affiliated with the Fort Donelson campaign*
 8 *and located in the Land Between the Lakes National Recre-*
 9 *ation Area.*

10 **SEC. 6. REPEAL OF OBSOLETE PROVISIONS AND CON-**
 11 **FORMING AMENDMENTS.**

12 (a) *REPEALS.—*

13 (1) 1928 LAW.—*The first section and sections 2*
 14 *through 4, 6 through 8, and 10 of the Act of March*
 15 *26, 1928 (16 U.S.C. 428, 428a–428c, 428e–428g, and*
 16 *428i), are repealed.*

17 (2) 1937 LAW.—*Section 3 of the Act of August*
 18 *30, 1937 (16 U.S.C. 428d–3), is repealed.*

19 (3) 1960 LAW.—*Sections 4 and 5 of Public Law*
 20 *86–738 (16 U.S.C. 428n, 428o) are repealed.*

21 (b) *CONFORMING AMENDMENTS.—*

22 (1) 1928 LAW.—*The Act of March 26, 1928, is*
 23 *amended—*

24 (A) *in section 5 (16 U.S.C. 428d), by strik-*
 25 *ing “: Provided” and all that follows and insert-*
 26 *ing a period; and*

1 (B) in section 9 (16 U.S.C. 428h)—

2 (i) by striking “Fort Donelson Na-
3 tional Park” and inserting “Fort Donelson
4 National Battlefield”; and

5 (ii) by striking “Secretary of War”
6 and inserting “Secretary of the Interior”.

7 (2) 1937 LAW.—The Act of August 30, 1937, is
8 amended—

9 (A) in the first section (16 U.S.C. 428d–
10 1)—

11 (i) by striking “Fort Donelson Na-
12 tional Military Park” and inserting “Fort
13 Donelson National Battlefield”; and

14 (ii) by striking “War Department”
15 and inserting “Department of the Army”;
16 and

17 (B) in section 2 (16 U.S.C. 428d–2)—

18 (i) by striking “Fort Donelson Na-
19 tional Military Park” and inserting “Fort
20 Donelson National Battlefield”;

21 (ii) by striking “said national mili-
22 tary park” and inserting “Fort Donelson
23 National Battlefield”; and

24 (iii) by striking the last sentence.

1 (3) 1960 LAW.—*Public Law 86–738 is amend-*
2 *ed—*

3 (A) *in section 1 (16 U.S.C. 428k), by strik-*
4 *ing “Fort Donelson National Military Park”*
5 *and inserting “Fort Donelson National Battle-*
6 *field” and by striking “, but the total area com-*
7 *memorating the battle of Fort Donelson shall not*
8 *exceed 600 acres”; and*

9 (B) *by striking section 3 (16 U.S.C. 428m).*

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